NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

CLAUDE TOWNSEND, : Civil No. 09-3303 (GEB)

Plaintiff, : OPINION AND ORDER

v.

NJ TRANSIT, and NEW JERSEY STATE: DIVISION OF TRENTON WORKERS': COMPENSATION, :

Defendants.

Plaintiff Claude Townsend ("Plaintiff"), having submitted a complaint in the above captioned matter, and it appearing that:

- 1. The Clerk will not file the complaint and the amended complaint unless the person seeking relief pays the entire applicable filing fee in advance or the person applies for and is granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915. *See* Local Civil R. 5.1(f).
- 2. The filing fee for commencing a civil action in this court is \$350.00. See 28 U.S.C. § 1914(a).
- 2. Plaintiff did not prepay \$350.00; rather, he submitted his application to proceed in this matter *in forma pauperis*, pursuant to 28 U.S.C. § 1915 ("Application").
- 3. In making such an application, a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty. *United States ex rel. Roberts v. Pennsylvania*, 312 F. Supp. 1, 2 (E.D. Pa. 1969) (finding affiant's application legally insufficient where the application failed to state the facts of affiant's poverty with any degree of particularity,

definiteness or certainty) (citing United States v. Coor, 213 F. Supp. 955, 956 (D.D.C. 1963), rev'd

on other grounds, 325 F.2d 1014 (D.C. Cir. 1963); Jefferson v. United States, 277 F.2d 723, 725 (9th

Cir. 1960)).

4. In his Application, Plaintiff stated that he is currently employed and earns \$314.39 per

month, that he receives temporary disability benefits, that he has approximately \$330.00 in cash or

in a checking or savings account, that he and another individual jointly own a home worth

approximately \$90,000.00, and that he pays \$362.00 per week in child support for three children.

IT IS THEREFORE on this 17th day of August, 2009,

ORDERED that Plaintiff's application to proceed in forma pauperis is GRANTED; and it

is further

ORDERED that the Clerk shall file the Complaint; and it is further

ORDERED that the Clerk shall serve this Order upon Plaintiff by regular mail; and it is

further

ORDERED that the Clerk issue summons and the United States Marshal serve a copy of the

complaint, summons and this order upon the Defendants as directed by the plaintiff. All costs of

service shall be advanced by the United States.

s/ Garrett E. Brown, Jr.
GARRETT E. BROWN, JR., U.S.D.J.